

11-DEC-2002 15:48

FROM-leatherwood 4th flr point

8642402479

T-387 P 008/029 F-506

#3

Express Mail Certificate

Express Mail label number EL908184375US

: Date of Deposit:

11/11/02

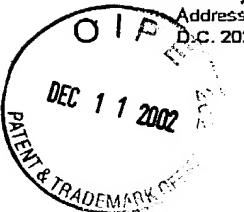
I hereby certify that this correspondence is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to Commissioner for Patents, Washington, D.C. 20231.

Signature of person mailing application:

Barbara Ballew

Date:

11/11/02



ATTORNEY DOCKET NO. 21606.8

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: )  
Porter, et al. )  
Serial No.: 09/966,477 )  
Filed: September 28, 2001 )  
For: COMPACT BED EDGING MACHINE )  
Examiner: Not yet assigned  
Group Art Unit: 3671

BOX MISSING PARTS - FEE  
Commissioner for Patents  
Washington, D.C. 20231

**RESPONSE TO NOTICE TO FILE MISSING PARTS  
OF NON-PROVISIONAL APPLICATION**

Dear Sir or Madam:

In response to the Notice to File Missing Parts of Non-Provisional Application, submitted herewith is a signed Declaration together with a check for the requisite fee.

Also submitted in response to the Notice are substitute pages 31 through 41 for the application. These substitute pages are submitted to correct a formatting error in the patent application which caused the claims to begin on the last page of the specification. The substitute pages provide the claims commencing on a separate

12/17/2002 NPIASASD 00000006 120760 09966477

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EXHIBIT 2

Received from <8642402479> at 12/11/02 3:56:08 PM [Eastern Standard Time]

sheet, namely, page 32 of the application, and such claims continue through page 41, with the abstract commencing on page 42. No new matter has been added.

Finally, submitted herewith is a copy of the Notice to File Missing Parts of Non-Provisional Application.

In view of the submission of the foregoing, it is respectfully submitted that the application is now in condition for examination, and such is requested in the due course of Patent Office business.

The Commissioner is authorized to charge Deposit Account 12-0760 for any necessary fees in order to avoid abandonment of the above application, and the Commissioner is authorized to credit said account for any fee overpayments.

Respectfully submitted,

LEATHERWOOD WALKER TODD & MANN, P.C.



Thomas W. Epting, Esquire  
Reg. No. 31,757  
100 East Coffee Street  
Greenville, SC 29601-2753  
(864) 240-2453 (direct dial)  
(864) 240-2479 (facsimile)

Dated: November 7, 2001

745504

11-DEC-2002 15:54

FROM-Leatherwood 4th flr point

8642402479

T-387 P 027/029 F-506

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COUNSEL:  
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J. BRANTLEY PHILLIPS, JR.  
D.B. LEATHERWOOD  
1895-1992  
WESLEY W. WALKER  
1915-1999

November 8, 2001

FILE COPY

BOX MISSING PARTS - FEE  
Commissioner for Patents  
Washington, D.C. 20231

Re: U.S. Patent Application Serial No. 09/996,477  
Title: "Compact Bed Edging Machine"  
Attorney Docket No. 21606.8

Dear Sir or Madam:

In response to the *Notice to File Missing Parts of Nonprovisional Application* mailed October 29, 2001, enclosed are the following for filing in the above-referenced application:

1. Response to Notice to File Missing Parts of Nonprovisional Application;
2. A signed Declaration for Patent Application;
3. A copy of the *Notice to File Missing Parts of Nonprovisional Application*;
4. A check in the amount of Sixty-five Dollars (\$65.00) to cover the requisite filing fee; and
5. Substitute pages for pages 31 through 41 of the original patent;

Please direct all communications regarding this submission to the undersigned.

Very truly yours,



Thomas W. Epting  
Reg. No. 31,757  
Leatherwood Walker Todd & Mann, P.C.

TWE/bhb: 745136  
Enclosures

EXHIBIT 6

Received from <8642402479> at 12/11/02 3:56:08 PM [Eastern Standard Time]

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the substitution of equivalent features or parts, and the reversal of various features thereof, may be practiced by those of ordinary skill in the art without departing from the spirit or scope of the following claims.

Attorney Docket No. 21606.8  
Applicant: Porter, et al.

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T-387 P 006/028 F-506

Page 1 of 1

## UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
 UNITED STATES PATENT AND TRADEMARK OFFICE  
 WASHINGTON, D.C. 20231  
[www.uspto.gov](http://www.uspto.gov)

APPLICATION NUMBER	FILING RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/966,477	09/28/2001	Roger D. Porter	21606.8

DEC 11 2002

LEATHERWOOD WALKER TODD & MANN, P.C.  
 100 East Coffee Street  
 Greenville, SC 29601-2753

CONFIRMATION NO. 6528  
 FORMALITIES LETTER

  
 0C000000006992800

Date Mailed: 10/29/2001

## NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

*Filing Date Granted*

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given TWO MONTHS from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

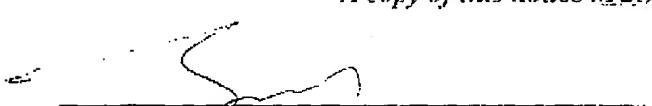
- The oath or declaration is missing.  
*A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.*
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(l) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.
- The balance due by applicant is \$ 65.

The application is informal since it does not comply with the regulations for the reason(s) indicated below.

The required item(s) identified below must be timely submitted to avoid abandonment:

- The Claim(s) commencing on a separate sheet (37 CFR 1.75(h)).

*A copy of this notice MUST be returned with the reply.*

  
 Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

## EXHIBIT 1

Received from <8642402479> at 12/11/02 3:56:08 PM [Eastern Standard Time]

11-DEC-2002 15:46

FROM:Leatherwood 4th flr point

8642402479

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**LEATHERWOOD WALKER TODD & MANN, P.C.**

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Telephone: (864) 242-6440

Telecopier: (864) 240-2477

**FAX NO.:** (703) 746-4060

**DATE:** 12/11/02

**TO:** Missing Parts Unit  
U.S. Patent and Trademark Office  
Washington, DC 20231

**TOTAL NUMBER OF PAGES** (including this cover sheet): 29

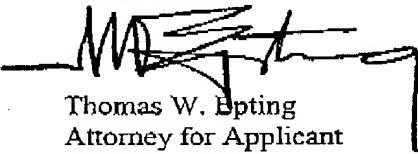
**FROM:** Thomas W. Epting

**ATTY. DOCKET NO.:** 21606.8

**RE:** Compact Bed Edging Machine  
Serial No.: 09/966,477  
Filed: September 28, 2001

Following, please find: Resubmission (via Facsimile) of response to Notice to File Missing Parts of Non-Provisional Application, Originally filed under Certificate of Express Mail on November 8, 2001, with exhibits.

Respectfully submitted,



Thomas W. Epting  
Attorney for Applicant  
Reg. No. 31,757

**CERTIFICATION OF FACSIMILE TRANSMISSION**

I hereby certify that this paper is being facsimile transmitted to the U.S. Patent and Trademark Office on the date shown below.

Barbara H. Ballew  
Typed or printed name: Barbara H. Ballew

12/11/02  
Date

IF YOU DO NOT RECEIVE ALL PAGES, PLEASE REPORT AS SOON AS POSSIBLE TO (864) 552-4512.

\*\*\*\*\*  
FACSIMILE OPERATOR: Barbara H. Ballew TIME: \_\_\_\_\_  
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11-DEC-2002 15:47

FROM:leatherwood 4th flr point

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CERTIFICATION OF FACSIMILE TRANSMISSION

I hereby certify that this paper is being facsimile transmitted to the U.S. Patent and Trademark Office on the date shown  
PATENT & TRADEMARK OFFICE

Typed or printed name: Barbara H. Ballew

Date 12/11/02

ATTORNEY DOCKET NO. 21606.8

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: )  
Porter, et al. ) Examiner: Not yet assigned  
Serial No.: 09/966,477 )  
Filed: September 28, 2001 ) Group Art Unit: 3671  
For: COMPACT BED EDGING MACHINE )

BOX MISSING PARTS - FEE  
Commissioner for Patents  
Washington, D.C. 20231

**RESUBMISSION (VIA FACSIMILE) OF RESPONSE TO NOTICE TO FILE MISSING  
PARTS OF NON-PROVISIONAL APPLICATION, ORIGINALLY FILED  
UNDER CERTIFICATE OF EXPRESS MAIL ON NOVEMBER 8, 2001**

Dear Sir or Madam:

1. A Notice to File Missing Parts of Non-Provisional Application ("Notice") for the above-identified application was mailed on October 29, 2001 by the U.S. Patent and Trademark Office. The Notice (Exhibit 1) required that a signed declaration for the patent application be filed together with a payment of a \$65.00 filing fee.

2. In response to the Notice, Applicant mailed, under a Certificate of Express Mail, a response ("Response") which included a signed declaration for patent

application, a copy of the Notice, a check in the amount of \$65.00, and substitute pages 31 through 41 to be inserted into the application.

3. The Response (Exhibit 2) was filed bearing the Express Mail mailing label number of EL908184375 US, with the "date in" stamped on the Express Mail mailing label "11/9/01" (Exhibit 3).

4. Also submitted with the Response was a Domestic Return Receipt (Exhibit 4), also bearing the Express Mail label number of "EL908184375US". This Domestic Return Receipt was received by the U.S. Patent and Trademark Office Mail Center, as evidenced by the PTO Mail Center's "Received" stamp dated January 7, 2002. As shown in the attached Express Mail label receipt (Exhibit 3), the time of deposit of the Response with the U.S. Postal Service was 16:45 on November 9, 2001.

5. In addition to the Domestic Return Receipt, a return postcard (Exhibit 5) was also submitted with the Response and was returned by the PTO, bearing the stamp of the Office of Initial Patent Examination ("OIPE") noting the correct Express Mail deposit date of November 9, 2001. This return postcard also bears the Express Mail label number of EL908184375US.

6. Further, in the cover letter (Exhibit 6) correspondence for the Response, a statement was provided signed by Barbara Ballew, a legal assistant employed at the undersigned's law firm, indicating that the Response was deposited with the United States Postal Service on November 9, 2001.

7. A check was submitted with the Response, from the undersigned's law firm (Check No. 084468) in the amount of \$65.00 and was deposited by the U.S. Patent

and Trademark Office, and a copy of the cancelled check is submitted herewith as Exhibit 7.

8. Applicant first became aware that there was a problem concerning the Response during a routine audit of Applicant's filed conducted on or about December 2, 2002. At that time, an inquiry was made to the Patent Application Information Retrieval (PAIR) system which failed to reflect receipt by the Patent Office of Applicant's Response. A phone call to Patent Office personnel confirmed that Applicant's Response had not made its way to the file for the above patent application.

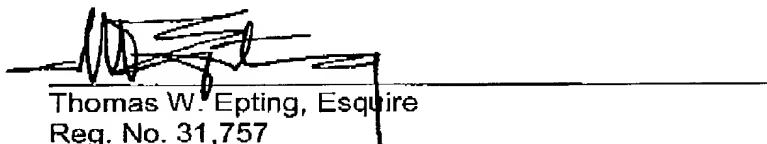
9. Accordingly, Applicant hereby respectfully requests that Applicant's Response, which is being resubmitted herewith (Exhibit 2) via this facsimile, be accepted and accorded the November 9, 2001 filing date referenced above.

10. The undersigned hereby states that the copies of the Response and Exhibits hereto, namely, the "Express Mail" mailing label, returned postcard, cancelled check, Domestic Filing Receipt, and transmittal correspondence are true copies of such items originally mailed to the U.S. Patent and Trademark Office via Express Mail on November 9, 2001.

The Commissioner is authorized to charge Deposit Account 12-0760 for any necessary fees and to credit said account for any fee overpayments. In the event a Petition is necessary for acceptance of the above identified Response, then such Petition is hereby made, and the foregoing is incorporated as the factual basis for such Petition and for the request for relief.

Respectfully submitted,

LEATHERWOOD WALKER TODD & MANN, P.C.



Thomas W. Epting, Esquire  
Reg. No. 31,757  
300 East McBee Avenue, Suite 500  
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(864) 240-2453 (direct dial)  
(864) 240-2477 (facsimile)

Dated: December 10, 2002

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